

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**PATRICIA WOLMAN, KELLY IWASIUK, and  
DENNIS LUNDY,**

*on behalf of themselves and all other employees  
similarly situated,*

**Plaintiffs,**

**-against-**

**CATHOLIC HEALTH SYSTEM OF LONG  
ISLAND, INC., d/b/a CATHOLIC HEALTH  
SERVICES OF LONG ISLAND, GOOD  
SAMARITAN HOSPITAL MEDICAL CENTER,  
MERCY MEDICAL CENTER, NEW ISLAND  
HOSPITAL a/k/a ST. JOSEPH HOSPITAL,  
SOUTH NASSAU COMMUNITIES HOSPITAL,  
ST. CATHERINE OF SIENA MEDICAL  
CENTER, ST. CHARLES HOSPITAL AND  
REHABILITATION CENTER, ST. FRANCIS  
HOSPITAL, ROSLYN, NEW YORK, OUR LADY  
OF CONSOLATION GERIATRIC CARE  
CENTER, NURSING SISTERS HOME CARE  
d/b/a CATHOLIC HOME CARE, and JAMES  
HARDEN,**

**Defendants.**

**10 CV 1326 (JS)(MLO)**

**NOTICE OF  
MOTION TO DISMISS**

**PLEASE TAKE NOTICE THAT,** upon the Declaration of Thomas M. Lamberti, the Declaration of Michael T. McGrath, the Affidavit of Mark Boehrer, the exhibits annexed thereto, the Affidavit of Charlene Rossback, the exhibits annexed thereto, the Affidavit of Teresa Leonard, the exhibits annexed thereto, the Affidavit of Peter Chiacchiaro, the exhibits annexed thereto, the Affidavit of Debra Stilwell, the exhibits annexed thereto, the Affidavit of Onorina Saporito, the exhibits annexed thereto, the Affidavit of Denise Baston, the exhibits annexed thereto, the Affidavit of Joseph G.

Conte, the exhibits annexed thereto, the Affidavit of Lori Spina, the exhibits annexed thereto, Appendices A through E, and the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss the Second Amended Complaint served in the above captioned action, the Defendants will move this Court before the Honorable Joanna Seybert, United States District Judge for the United States District Court for the Eastern District of New York, Courtroom 1030, at the United States Courthouse, 100 Federal Plaza, Central Islip, New York, 11722, at a date to be determined by the Court, for an order, pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing each and every Cause of Action in the Second Amended Complaint, and for such further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE THAT** pursuant to the briefing schedule set by this Court's August 19, 2010 Order, the response to this motion is to be filed by October 8, 2010.

Dated: New York, New York  
September 24, 2010

PUTNEY, TWOMBLY, HALL & HIRSON LLP

By:                     /s/                      
James E. McGrath, III  
521 Fifth Avenue  
New York, New York 10175  
(212) 682-0020  
*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

The undersigned, a member of the Bar of this Court, hereby certifies that he caused a true and accurate copy of the foregoing Notice of Motion to Dismiss the Amended Complaint, Declaration of Thomas M. Lamberti, the Declaration of Michael T. McGrath, the Affidavit of Mark Boehrer, the Affidavit of Charlene Rossback, the Affidavit of Teresa Leonard, the Affidavit of Peter Chiacchiaro, the Affidavit of Debra Stilwell, the Affidavit of Onorina Saporito, the Affidavit of Denise Baston, the Affidavit of Joseph G. Conte, the Affidavit of Lori Spina, all the attached exhibits, Appendices A through E, and the Memorandum of Law in Support of Defendants' Motion to Dismiss the Second Amended Complaint, to be served via electronic case filing on September 24, 2010 upon:

James Nelson Thomas, Esq.  
Justin Michael Cordello, Esq.  
Michael J. Lingle, Esq.  
Thomas & Solomon LLP  
696 East Avenue  
Rochester, New York 14607

\_\_\_\_\_/s/\_\_\_\_\_  
James E. McGrath, III.